

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>MICHAEL DAVID SILLS and MARY SILLS,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	<b>Case No. 3:23-cv-00478</b>
	)	<b>JUDGE WILLIAM L. CAMPBELL, JR.</b>
<b>v.</b>	)	<b>Magistrate Judge Jeffery S. Frensley</b>
	)	
<b>SOUTHERN BAPTIST CONVENTION, <i>et al.</i>,</b>	)	<b>JURY DEMAND</b>
	)	
<b>Defendants.</b>	)	
	)	

**DEFENDANT LIFEWAY'S MOTION TO DISMISS ALL OF PLAINTIFFS' CLAIMS  
AGAINST IT**

Defendant Lifeway Christian Resources of the Southern Baptist Convention (“Lifeway”) moves under Federal Rule of Civil Procedure 12(b)(6) to dismiss the claims asserted against it by Plaintiffs Michael David Sills and Mary Sills. In support, Lifeway would show the Court as follows:

1. All of the Sills’ claims against Lifeway are time barred.
2. The Sills’ claims also fail on the merits for two reasons. First, the Sills do not sufficiently distinguish among the fourteen defendants or specifically allege wrongdoing against Lifeway, thus failing to provide adequate notice of the factual basis of the Sills’ claims. Second, the Sills fail to plausibly plead at least one essential element of each claim against Lifeway. More specifically, the Sills’ defamation claims fail, among other reasons, because the Sills do not plausibly allege that Lifeway published a defamatory statement. The Sills also fail to state negligence claims against Lifeway because they do not plausibly allege that Lifeway owed them a duty, that they suffered cognizable injury or loss, or that Lifeway acted with gross negligence or

wantonness. Nor do the Sills plausibly allege negligence based on a *respondeat superior* theory because they fail to allege that either one-time Lifeway employee named in the Complaint was acting on Lifeway's authority and within the scope of their employment for Lifeway. The Sills' intentional infliction of emotional distress claim fails, too, because the alleged conduct was not outrageous or alleged to cause sufficiently severe mental harm. The Sills also fail to state a conspiracy claim against Lifeway because they do not adequately allege that Lifeway knowingly agreed with any other defendant to defame the Sills or that it undertook an overt act in furtherance of the conspiracy. Finally, the Sills' punitive damages claim fails as to Lifeway because the Sills do not allege Lifeway acted with the requisite intent.

3. Lifeway submits the accompanying brief in support of these arguments.

WHEREFORE, Lifeway respectfully asks the Court to dismiss all of Plaintiffs' claims against Lifeway with prejudice. Lifeway also prays for such other and further relief to which it may show itself justly entitled.

Dated: July 12, 2023

Respectfully submitted,

/s/ George H. Cate, III

George H. Cate, III (BPR #12595)

Kimberly M. Ingram-Hogan (BPR #35191)

Virginia N. Adamson (BPR #39285)

BRADLEY ARANT BOULT CUMMINGS LLP

1600 Division Street

Suite 700

Nashville, TN 37203

Telephone: (615) 244-2582

Facsimile: (615) 252-6380

[gcate@bradley.com](mailto:gcate@bradley.com)

[kingram@bradley.com](mailto:kingram@bradley.com)

[jadamson@bradley.com](mailto:jadamson@bradley.com)

Chuck Mangelsdorf  
Terri Bernal  
McAngus Goudelock & Courie LLC  
120 Brentwood Commons Way, Suite 625  
Brentwood, TN 37027  
Telephone: (615) 499-7177  
Facsimile: (615) 523-1496  
[chuck.mangelsdorf@mgclaw.com](mailto:chuck.mangelsdorf@mgclaw.com)  
[terri.ernal@mgclaw.com](mailto:terri.ernal@mgclaw.com)

*Attorneys for Defendant  
Lifeway Christian Resources of  
the Southern Baptist Convention*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing was served on the following via the Court's CM/ECF system on July 12, 2023:

Gary E. Brewer  
BREWER AND TERRY, P.C.  
1702 W. Andrew Johnson HWY  
Morristown, TN 37816-2046

John (Don) W. Barrett  
Katherine Barrett Riley  
BARRETT LAW GROUP, P.A.  
PO Box 927  
404 Court Square  
Lexington, MS 39095

Shannon M. McNulty  
CLIFFORD LAW OFFICES, P.C.  
120 N. LaSalle Street  
Suite 3100  
Chicago, IL 60602

*Counsel for Plaintiffs*

Brigid M. Carpenter  
Ryan P. Loofbourrow  
BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.  
1600 West End Avenue, Suite 2000  
Nashville, TN 37203

*Counsel for Executive Committee of the  
Southern Baptist Convention,  
Willie McLaurin, and Rolland Slade*

Catherine M. Newman  
R. Bruce Barze, Jr.  
J. Graham Gilmore  
BARZE TAYLOR NOLES LOWTHER LLC  
2204 Lakeshore Drive, Suite 425  
Birmingham, AL 35209

*Counsel for Defendant Eric Geiger*

Olivia Rose Arboneaux  
Philip N. Elbert  
Ronald G. Harris  
NEAL & HARWELL, PLC  
1201 Demonbreun Street  
Suite 1000  
Nashville, TN 37203

*Counsel for Jennifer Lyell*

John R. Jacobson  
Katherine R. Klein  
RILEY & JACOBSON, PLC  
1906 West End Avenue  
Nashville, TN 37203

Steven G. Mintz  
Terence William McCormick  
MINTZ & GOLD LLP  
600 Third Avenue  
25th Floor  
New York NY 10016

*Counsel for SolutionPoint International, Inc.  
and Guidepost Solutions, LLC*

Louis Gino Marchetti, Jr.  
TAYLOR, PIGUE, MARCHETTI & BLAIR, PLLC  
2908 Poston Avenue  
Nashville, TN 37203

*Counsel for the Southern Baptist Convention*

James C. Bradshaw III  
WYATT, TARRANT & COMBS, LLP  
333 Commerce Street, Suite 1050  
Nashville, TN 37201

Byron Leet  
Thomas E. Travis  
WYATT, TARRANT & COMBS, LLP  
400 West Market Street, Suite 2000  
Louisville, KY 40202

*Counsel for Defendants The Southern Baptist  
Theological Seminary and Dr. R. Albert Mohler*

/s/ George H. Cate, III

George H. Cate, III